

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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C.D. KOBSONS, INC.,	:	Civil Action No.: 07 CV 11034 (SAS)
	:	
Plaintiff,	:	NOTICE OF MOTION
	:	
-against-	:	
	:	
UNITED NATIONAL SPECIALTY	:	
INSURANCE COMPANY,	:	
	:	
Defendant.	:	
-----X		

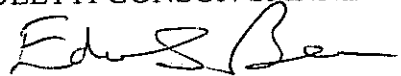
PLEASE TAKE NOTICE, that upon the annexed declaration of Edward S. Benson, Esq., the affidavits of Migdalia ("Mickie") Colon and Priscilla Priestman, the exhibits annexed thereto, the accompanying memorandum of law and Rule 56.1 statement, and upon all the pleadings and proceedings heretofore had herein, the defendants, UNITED NATIONAL SPECIALTY INSURANCE COMPANY, will move this Court before United States District Judge Shira A. Scheindlin, in the United States District Court for the Southern District of New York located in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007 on the 30th day of June, 2008 at 10.00 a.m. or as soon thereafter as counsel can be heard, for an order pursuant to Rule 56(b) of the Federal Rules of Civil Procedure awarding summary judgment to UNITED NATIONAL SPECIALTY INSURANCE COMPANY, dismissing plaintiff's complaint and declaring that UNITED NATIONAL SPECIALTY INSURANCE COMPANY's cancellation of its policy number M5200158, issued to C.D. Kobsons, Inc., was proper and valid and that UNITED NATIONAL SPECIALTY INSURANCE COMPANY is entitled to rescind its policy number M5200158 ab initio based upon the material misrepresentations made by C.D. Kobsons, Inc. in procuring that insurance and for costs and

and for costs and attorney's fees in this action and for such other and further relief as to this Court may deem appropriate.

Dated: New York, New York
May 20, 2008

Respectfully submitted,

NICOLETTI GONSON SPINNER & OWEN LLP

By: 
Edward S. Benson (EB-1908)
Attorneys for Defendant
UNITED NATIONAL SPECIALTY
INSURANCE COMPANY
555 Fifth Avenue
8th Floor
New York, NY 10017
212-730-7750

To: Brill & Associates, P.C.
Attorneys for the Plaintiff
111 John Street, Suite 1070
New York, NY 10038
(212) 374-9101
File No.: 1293-CDK